

City of Sandy Springs Board of Ethics Meeting held on April 11, 2007 at 9:00 AM

Board Members Present: Jim Langlais, Charles Maddrey, Nancy McCord, Glenn Moffett, Andrew Heyward, Richard Isenberg, and City Attorney Wendell Willard.

Staff Present: City Clerk Christina Rowland

Call to Order

Chairman Langlais called the meeting to order at 9:00 a.m.

Approval of December 20, 2006 meeting minutes

Motion and Vote: Mr. Moffett moved to approve the December 20, 2006 meeting minutes as presented. Mr. Maddrey seconded the motion. The motion carried unanimously.

Discussion of bylaws for the Board of Ethics

Chairman Langlais stated that the City Attorney should review the proposed bylaws to ensure they are consistent with State Laws and the City Charter.

Chairman Langlais stated that once the bylaws are approved by the Board, the Mayor and City Council must approve them.

Mr. Maddrey questioned what constitutes a quorum. He questioned if the alternates are considered in the definition of a quorum. Discussion followed regarding what constitutes a quorum. Mr. Maddrey questioned if voting by proxy constitutes a quorum. Chairman Langlais stated that a proxy could constitute a quorum. Discussion followed regarding the requirement that a proxy be done in writing. Chairman Langlais stated that the proxy must be in writing and then attached to the minutes of that meeting.

Chairman Langlais stated that they needed to decide what should happen in the event of a tie vote. Mr. Maddrey stated that typically the Chair does not vote unless there is a tie. Mr. Moffett stated that he feels the Chair should vote at a hearing. Chairman Langlais stated that a hearing officer would be appointed.

Chairman Langlais reiterated that Mr. Reddick had resigned. City Clerk Rowland stated that Mayor Galambos would be appointing another alternate.

Chairman Langlais stated that in other ordinances, it stipulates that if you receive a gift, it must be returned. This was not considered in the writing of the ordinance. The Board may want to consider this during a review of the ordinance.

Mr. Moffett questioned if a proxy must be submitted to the Clerk prior to the meeting.

Chairman Langlais questioned if the Board wanted to extend the document retention on proxies. City Clerk Rowland stated that the minutes are a permanent record. Mr. Langlais stated that he felt ethics records should be kept permanently. City Clerk Rowland stated that she would check the retention schedule for ethics records.

Mr. Heyward stated that the issue relating to gifts is definitely something that needs to be addressed. He explained that peoples' lives can be ruined by receiving gifts.

Mr. Maddrey questioned to what extent the Mayor, Council and employees know what is ethical and what is not. **Chairman Langlais** requested that Mr. Maddrey head the education program and work with City Clerk Rowland. Mr. Maddrey stated that the education portion is the most important part. Discussion followed regarding other education programs and participating in the orientation program. **Chairman Langlais** stated that participating in the training course will assist in assessing the Ordinance and the Rules of Procedure.

Chairman Langlais questioned if anyone had any other questions regarding the Rules of Procedure. He stated that there was nothing in the Ordinance dealing with filling vacancies of officers.

City Clerk Rowland stated that the Rules of Procedure reference Chapter 6 as the Ethics Ordinance. She stated that during codification, this number will probably change. There was a consensus to remove any reference to Chapter 6 and only reflect the Ethics Ordinance and Code of Standards.

Chairman Langlais stated that the City Clerk is not only the recording secretary, but also the custodian of records.

Chairman Langlais questioned if there should be anything in the Rules stating that the Chairman shall only vote in the case of a tie. There was a consensus to defer to Robert's Rules on this matter.

Mr. Maddrey, referring to Section 4.5, should read "members and/or proxy". **Chairman Langlais** stated that regardless of proxies, a quorum must be present.

Chairman Langlais, referring to Section 4.2, stated that he should not be the only person who is able to call a special meeting. There was a consensus that it should be the Chair or any two members of the Board.

Mr. Heyward questioned what constitutes an applicable public notice. **Chairman Langlais** stated that there are certain notice requirements for the hearings. In Section 4.3, notice is defined. **Chairman Langlais** stated that could be spelled out in the Rules. **City Clerk Rowland** stated that the meetings are noticed to the paper properly as well as being posted according to State Law.

Mr. Moffett questioned if the Rules needed to refer to the City Attorney in regard to a non-binding opinion. **Chairman Langlais** stated that this is referenced in the Ordinance. He stated that there is a section regarding getting a written analysis from the City Attorney. Discussion followed regarding what is subject to open records.

Mr. Maddrey left the meeting at 9:30 a.m.

Chairman Langlais referring to Section 5, questioned if 60 days was too long. There was a consensus that 60 days was an appropriate amount of time.

Chairman Langlais also suggested that a court reporter be present at the hearings as well as an electronic recording being taken.

Chairman Langlais referring to Section 7, questioned if the Board should have a formal complaint form. **City Clerk Rowland** explained that she had already emailed a draft complaint form. **Mr. Moffett** stated that the form should be very simple. **Chairman Langlais** stated that a routing form should be incorporated into the form.

Chairman Langlais congratulated Ms. McCord for receiving the City of Sandy Springs Humanitarian Award. Ms. McCord stated that it was a very nice celebration.

Chairman Langlais stated that anyone filing a complaint must do so under oath and notarized. The person answering the complaint should also swear under oath. He further stated that he felt it was important that a written answer was necessary. Chairman Langlais posed this question to the City Attorney. Mr. Willard stated that a written answer can be required and the lack thereof could be an admission to be rebutted by evidence. Discussion followed regarding being innocent until proven guilty. There was a consensus that 20 days was sufficient time for an answer.

Mr. Moffett, referring to Section 7.2(f), stated that it should further read "or the Board determines that the complaint does not state any possible violation of any Code of Ethics adopted by the City of Sandy Springs upon which relief is appropriate or could be granted." Chairman Langlais stated that in that situation, the complainant would have 5 business days to correct the complaint.

Chairman Langlais stated that he is of the opinion that all complaints should be in writing. These are serious allegations.

Mr. Moffett clarified that a lack of response is not an admission of guilt. There was a consensus that this was the case.


Chairman Langlais stated that a flow chart describing the process should be included. He stated that he would have this drafted.

Chairman Langlais stated that he would email the bylaws out and comments could be made. A special called meeting could be called to approve the bylaws.

Adjournment

Mr. Moffett moved to adjourn the meeting. Mr. Heyward seconded the motion. The motion carried unanimously. The meeting adjourned at 10:14 a.m.



Jim Langlais, Chairman

Christina Rowland, City Clerk